

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Norfolk Division)**

**SHERRI WHITE
403 Troon Chase
Virginia Beach, VA**

Plaintiff,

v.

**H.P. VENTURES, LLC D/B/A MOTOR WORLD
34 A-B Midway Shopping Center
Rehoboth Beach, DE**

Defendant.

Case No.: _____

NOTICE OF AND PETITION FOR REMOVAL

Petitioner/Defendant, H.P. VENTURES, LLC D/B/A MOTOR WORLD (“Defendant”), by counsel, and pursuant to 28 U.S.C. §1441 *et. seq.*, hereby files this Notice of and Petition for Removal of this action from the Circuit Court for Virginia Beach, Virginia, in which it is now pending, to the United States District Court for the Eastern District of Virginia, and in support thereof, respectfully aver as follows:

1. Defendant has been named as the defendant in a suit filed in the Circuit Court for Virginia Beach, Virginia, Case No.: CL22003190-00. Suit was filed on June 30, 2022, and Defendant was served with the Summons and Complaint on July 25, 2022. Defendant timely filed its responsive pleading with the Virginia Beach Circuit Court on July 29, 2022.

2. The above-entitled action is one in which this Court has original jurisdiction pursuant to Title 28 U.S.C. §1332. Defendant seeks to remove this action to this Court under Title 28 U.S.C. §1441(a).

3. Copies of the operative *Summons and Complaint* and of Defendant's *Demurrer, Answer, and Affirmative Defenses* as filed in the Circuit Court for Virginia Beach, Virginia are attached as **Exhibit 1** and **Exhibit 2**, respectively.

4. The above-entitled matter is a civil action in which the Plaintiff alleges negligence on behalf of Defendant and resulting injuries and damages in connection with an incident that allegedly occurred on or about July 5, 2020.

5. Defendant is entitled to removal because there is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds \$75,000.

6. Plaintiff is a citizen of the Commonwealth of Virginia.

7. Defendant H.P. Ventures, LLC, is a limited liability company formed under the laws of Delaware, and consists of a single individual member, James Loomis, who is a natural person and a citizen of the State of Delaware.¹

8. Plaintiff's Complaint seeks damages of \$250,000.

WHEREFORE, Petitioner/Defendant, H.P. VENTURES, LLC D/B/A MOTOR WORLD, respectfully requests that the above-entitled action be removed from the Circuit Court for Virginia Beach, Virginia to the United States District Court for the Eastern District of Virginia.

¹ The citizenship of a limited liability company ("LLC") "turns not on its place of formation or principal place of business, but on the citizenship of [its] members." *Columbia Gas Transmission, LLC v. NRG Dev., LLC*, E.D. Va. No. 2:18-CV-258, 2018 (E.D. Va. Aug. 14, 2018) (internal citations omitted).

Respectfully submitted this 1st day of August, 2022.

H.P. VENTURES, LLC D/B/A MOTOR WORLD

By Counsel

/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August, 2022, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which (if counsel has registered with CM/ECF) will then send a notification of such filing (NEF) to the following:

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/s/_____
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